

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARGILL, INCORPORATED,)	8:11CV81
)	
Plaintiff,)	
)	
v.)	ORDER
)	
KURT KROEGER,)	
KATHY KROEGER, and)	
H & M FARMS, INC.,)	
)	
Defendants.)	
_____)	

The jury having returned a verdict in favor of Plaintiff, Cargill, Incorporated, and against Defendant H & M Farms, Inc., the court must now make determinations regarding the amount of prejudgment interest and attorney's fees that Plaintiff may recover under the terms of the parties' contract. Accordingly,

IT IS ORDERED that:

1. Within 14 days from today's date, Plaintiff shall file (a) an application for prejudgment interest, including a detailed calculation of the amount claimed, supported by written argument and appropriate references to trial exhibits and trial testimony,¹ and (b) an application for attorney's fees supported by affidavits, duly authenticated evidence, and written argument, *see* NECivR 54.3 (award of attorney's fees and nontaxable expenses) and 54.4 (fee application guidelines). *See also* NECivR 7.0.1(a) (supporting a motion).

¹ The court does not require a written trial transcript. Any trial testimony relied upon may be referenced to the court's audio files, showing the filing number and the relevant portion (start/stop time) of the recording.

2. Within 14 days after service of Plaintiff's applications for prejudgment interest and attorney's fees, Defendant shall file a responsive brief and any opposing evidence. *See* NECivR 7.0.1(b) (opposing a motion).

3. Within 7 days after service of Defendant's response, Plaintiff may file a reply. *See* NECivR 7.0.1(c) (replying to opposing briefs and evidence).

4. Entry of judgment shall be withheld pending determination of Plaintiff's applications for prejudgment interest and attorney's fees.

September 28, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge